

IN RE: PETITION FOR ZONING VARIANCE
S/S Sparks Station Road,
2112' W of Sparks Road
(11 Sparks Station Road)
10th Election District
3rd Councilmanic District
Kevin Joseph Townsley, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-10-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a height of 24 feet in lieu of the maximum permitted 15 feet for an accessory structure (three-car garage), as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 11 Sparks Station Road, consists of 7.56 acres more or less zoned R.C. 4 and is improved with a single family dwelling. Petitioners propose constructing a three car garage which will be similar in residential character to the existing dwelling. To maintain uniformity, however, the roof pitch for the proposed garage will exceed the maximum height requirements. Testimony indicated the proposed garage will be used to house the family vehicles and for storage space. Petitioners testified they spoke with adjoining property owners who indicated they had no objections to their proposal. In support of their testimony, Petitioners submitted a signed document, identified as Petitioner's Exhibit 3, which indicates the neighbors' acceptance of their request. Testimony indicated the requested variance will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing,

all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of August, 1989 that the Petition for Zoning Variance to permit a height of 24 feet in lieu of the maximum permitted 15 feet for an existing three-car garage in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The three-car garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

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CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th
Posted for: 7/10/89
Petitioner: Kevin Joseph Townsley, et ux
Location of property: 11 Sparks Station Rd, 2112' W of Sparks Rd
Location of sign: 11 Sparks Station Rd, corner 20' E of 70' S W of Sparks Rd, 2112' W of Sparks Rd
Remarks: 7/10/89
Posted by: [Signature]
Number of signs: 1
Date of return: 7/14/89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

Date: 7/10/89

Mr. & Mrs. Kevin Joseph Townsley
11 Sparks Station Road
Sparks, Maryland 21152

Re: Petition for Zoning Variance
CASE NUMBER: 90-10-A
55 Sparks Station Road, 2112' W of Sparks Road
10th Election District - 3rd Councilmanic
Petitioner(s): Kevin Joseph Townsley, et ux
HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$120.29 is due for advertising and posting of the above referenced property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN AND POST SET(S) FROM THE PROPERTY UNTIL THE DATE OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to Room 113, Towson, Maryland.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 068341
DATE: 7/26/89 ACCOUNT: 90-10-A-000
AMOUNT: \$ 120.29
RECEIVED FROM: Kevin Joseph Townsley
FOR: P.A. for 7/26/89 hearing 90-10-A
B C23 *****120291* 8261F

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 5, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 27, 1989.

THE JEFFERSONIAN
TOWSON TIMES.

S. Zake Orlan

Publisher

P013637
reg 130980
ca 90-10-A
price \$95.29

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

INSTEAD OF THE PERMITTED 15' HEIGHT, WE REQUEST A VARIANCE TO PERMIT A HEIGHT OF 24' FOR AN ACCESSORY STRUCTURE (3 CAR GARAGE)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. To achieve visual & architectural uniformity with the existing residential structure, which has an 8 1/2 pitch

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

Address

City and State

City and State

Attorney for Petitioner:

Address

(Type or Print Name)

Address

Signature

Signature

Address

Address

City and State

City and State

Attorney's Telephone No.:

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 10th day of August, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106 of the County Office Building, Towson, Baltimore County, on the 26th day of July, 1989, at 9:30 o'clock A.M.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County.

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

June 14, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-10-A
55 Sparks Station Road, 2112' W of Sparks Road
10th Election District - 3rd Councilmanic
Petitioner(s): Kevin Joseph Townsley, et ux
HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989 at 9:30 a.m.

Variances to permit a height of 24 ft. instead of the permitted 15 feet (for an accessory structure - 3 car garage).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

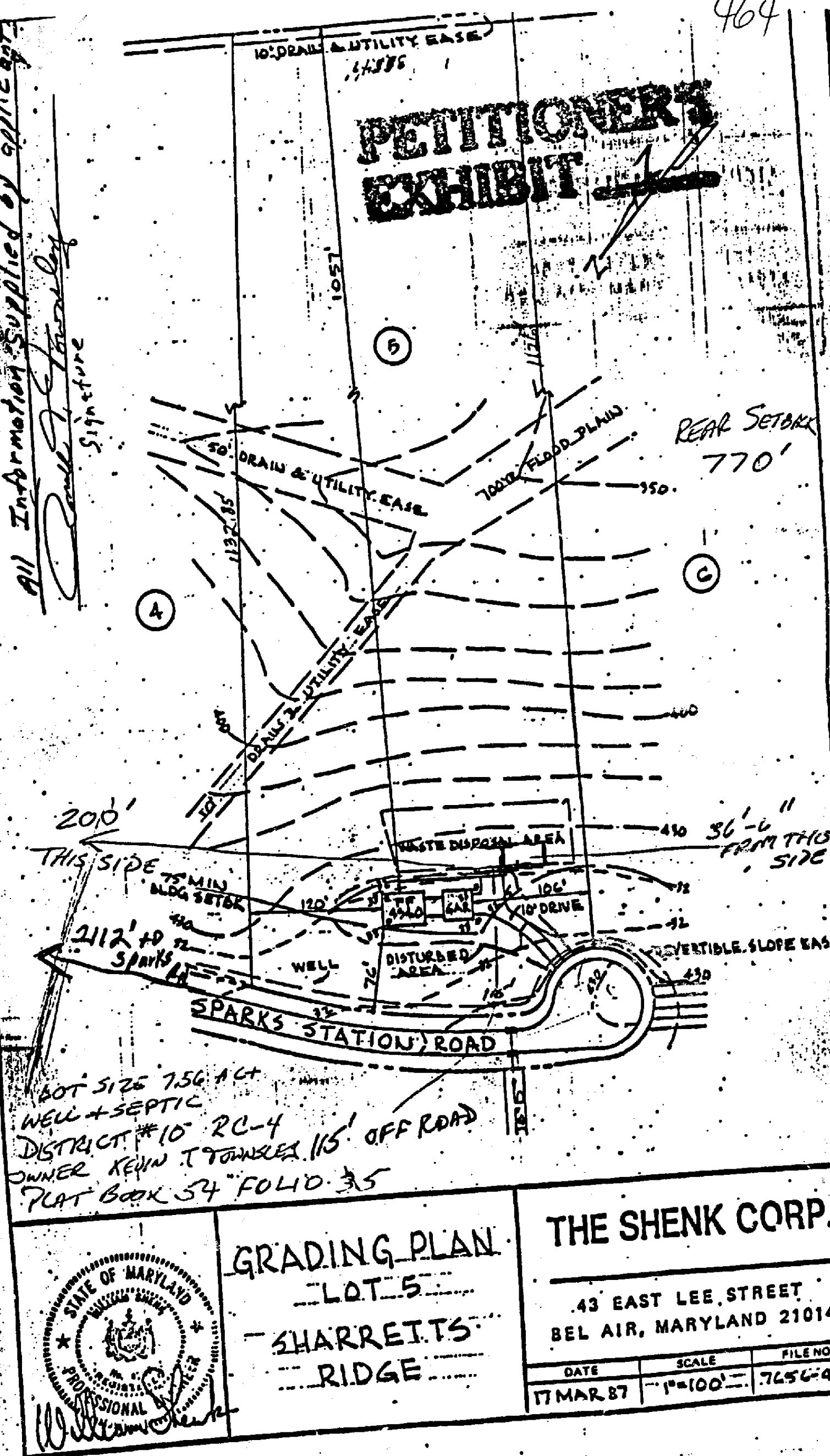
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Townsley

Zoning Description

Beginning at a point on the Southside of Sparks Station Rd. at the distance 2112' West of Sparks Rd. Being lot no. 6 in the subdivision, Sharretts Ridge. Book No. 54 folio 35. Also known as No. 11 Sparks Station Rd. in the 10th Election District.

PETITIONER'S EXHIBIT



GRADING PLAN
LOT 5
SHARRETTS RIDGE

THE SHENK CORP.
43 EAST LEE STREET
BEL AIR, MARYLAND 21014
DATE: 7/14/89 SCALE: 1"=100' FILE NO.: 7656-42

PETITIONER(S) EXHIBIT ()



PETITIONER(S) EXHIBIT ()



We are planning to build an all-brick detached garage to match the existing residential structure at 11 Sparks Station Road. The pitch of our current house is 8/12. To maintain uniformity, we are planning to build the garage with an 8/12 pitch also. This will cause the peak of the proposed garage roof to exceed the Baltimore County zoning specification for height. We are going to build the garage with trusses, showing that we do not plan to expand the attic of the proposed garage into any kind of extended living area. The proposed garage will be utilized in the same fashion as our current garage, namely only to shelter our vehicles, and for storage.

Please sign below if you have no problem with this proposal--this will help us obtain a variance from the County.

Nancy Collins 18 Sparks Station Rd.
Laurie Cook 17 Sparks Station Rd.
Ann O'Brien 9 Sparks Station Rd.

PETITIONER'S
EXHIBIT 3

90-10-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
10th day of May, 1989

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Kevin J. Townsley, et ux Received by: James E. Dyer
Petitioner's Attorney: Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 18, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Kevin J. Townsley
11 Sparks Station Road
Sparks, MD 21152

RE: Item No. 464, Case No. 90-10-A
Petitioner: Kevin J. Townsley, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Townsley:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

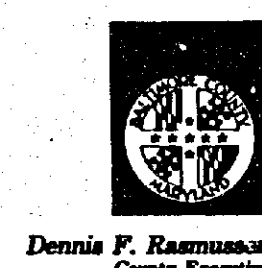
Enclosures

LOCATION MAP

NOT TO SCALE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

June 6, 1989



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 185, 355, 460, 461, 463, 464 and 465.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/lvw

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4500

Paul H. Reinicke
Chief

May 2, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: Kevin Joseph Townsley

Location: 111 Sparks Station Road

Item No.: 464

Zoning Agenda: May 9, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reinicke* 5-4-89 Noted and Approved
Planning/Group Fire Prevention Bureau
Special Inspection Division

JK/ker

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 8, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 185, 460, 461, 463, 464 and 465. Comments for Item 355 (County Review Group) are attached and remain valid.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

FMB:s

Encls.

MAY 1 9 1989